ORIGINAL

SDNY (Rev. 12/21)
AO 98 (Rev. 12/11) Appearance Bond

UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America
v.
Fred Daibes
Defendant

Case No. 23 CR 490

APPEARANCE BOND

DOC #

Defendant's Agreement

I, Fred Daibes *(defendant)*, agree to follow every order of this court, or any court that considers this case, and I further agree that this bond may be forfeited if I fail:

(X) to appear for court proceedings;
(X) if convicted, to surrender to serve a sentence that the court may impose; or
(X) to comply with all conditions set forth in the Order Setting Conditions of Release.

Type of Bond

(X) (1) This is a personal recognizance bond.

( ) (2) This is an unsecured bond of ______. ( ) Cosigned by ____ FRP.

(X) (3) This is a secured bond of $ 2,000,000.00, secured by:

( ) (a) ______, in cash deposited with the court.

(X) (b) the agreement of the defendant and each surety to forfeit the following cash or other property *(describe the cash or other property, including claims on it – such as a lien, mortgage, or loan – and attach proof of ownership and value)*:

Commercial property at 500 Route 340, Sparkill, NY 10876

If this bond is secured by real property, documents to protect the secured interest may be filed of record.

( ) (c) a bail bond with a solvent surety *(attach a copy of the bail bond, or describe it and identify the surety)*:

( ) (d) Cosigned by ____ FRP.

Forfeiture or Release of the Bond

Forfeiture of the Bond. This appearance bond may be forfeited if the defendant does not comply with the above agreement. The court may immediately order the amount of the bond surrendered to the United States, including the security for the bond, if the defendant does not comply with the agreement. At the request of the United States, the court may order a judgment of forfeiture against the defendant and each surety for the entire amount of the bond, including interest and costs.

AO 98 (Rev. 12/11) Appearance Bond

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Release of the Bond. The court may order this appearance bond ended at any time. This bond will be satisfied and the security will be released when either: (1) the defendant is found not guilty on all charges, or (2) the defendant reports to serve a sentence.

Declarations

Ownership of the Property. I, the defendant – and each surety – declare under penalty of perjury that:

(1) all owners of the property securing this appearance bond are included on the bond;
(2) the property is not subject to claims, except as described above; and
(3) I will not sell the property, allow further claims to be made against it, or do anything to reduce its value while this appearance bond is in effect.

Acceptance. I, the defendant – and each surety – have read this appearance bond and have either read all the conditions of release set by the court or had them explained to me. I agree to this Appearance Bond.

I, the defendant – and each surety – declare under penalty of perjury that this information is true. (See 28 U.S.C. § 1746.)

Date: 09/27/2023

Defendant's Signature Fred Daibes

Interpreter's Initials

Surety/property owner - printed name | *Surety/property owner - signature and date* | *Deputy Clerk's Initials* | *Interpreter's Initials*

Surety/property owner - printed name | *Surety/property owner - signature and date* | *Deputy Clerk's Initials* | *Interpreter's Initials*

Surety/property owner - printed name | *Surety/property owner - signature and date* | *Deputy Clerk's Initials* | *Interpreter's Initials*

CLERK OF COURT

Date: 09/27/2023

Signature of Deputy Clerk

Approved.

Date: 9/27/23

AUSA's Signature Eli Mark

UNITED STATES DISTRICT COURT

for the

Southern District of New York

United States of America
v.

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Defendant

Case No. 23 CR 490

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

(1) The defendant must not violate federal, state, or local law while on release.

(2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 34 U.S.C. § 40702.

(3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.

(4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: ______________________________
Place

____

on ______________________________
Date and Time

If blank, defendant will be notified of next appearance.

(5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

Pursuant to 18 U.S.C. § 3142(c)(1)(B), the court may impose the following least restrictive condition(s) only as necessary to reasonably assure the appearance of the person as required and the safety of any other person and the community.

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

(☐) (6) The defendant is placed in the custody of:
Person or organization ______
Address *(only if above is an organization)* ______
City and state ______ Tel. No. ______
who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: ______ ______
Custodian *Date*

(☑) (7) The defendant must:

(☑) (a) submit to supervision by and report for supervision to the PRETRIAL SERVICES FOR ☐ Regular; ☐ Strict; ☑ As Directed
telephone number ______, no later than ______.

(☐) (b) continue or actively seek employment.

(☐) (c) continue or start an education program.

(☐) (d) surrender any passport to: PRETRIAL SERVICES

(☐) (e) not obtain a passport or other international travel document.

(☑) (f) abide by the following restrictions on personal association, residence, or travel: SDNY/EDNY
District of New Jersey and Southern District of Florida

(☑) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: Co-defendants

(☐) (h) get medical or psychiatric treatment: ______

(☐) (i) return to custody each ______ at ______ o'clock after being released at ______ o'clock for employment, schooling, or the following purposes: ______

(☐) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.

(☑) (k) not possess a firearm, destructive device, or other weapon.

(☐) (l) not use alcohol (☐) at all (☐) excessively.

(☐) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

(☐) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

(☐) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.

(☐) (p) participate in one of the following location restriction programs and comply with its requirements as directed.

(☐) (i) **Curfew.** You are restricted to your residence every day (☐) from ______ to ______, or (☐) as directed by the pretrial services office or supervising officer; or

(☐) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or

(☐) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court; or

(☐) (iv) **Stand Alone Monitoring.** You have no residential curfew, home detention, or home incarceration restrictions. However, you must comply with the location or travel restrictions as imposed by the court.
Note: Stand Alone Monitoring should be used in conjunction with global positioning system (GPS) technology.

ADDITIONAL CONDITIONS OF RELEASE

(☐) (q) submit to the following location monitoring technology and comply with its requirements as directed:
- (☐) (i) Location monitoring technology as directed by the pretrial services or supervising officer; or
- (☐) (ii) Voice Recognition; or
- (☐) (iii) Radio Frequency; or
- (☐) (iv) GPS.

(☐) (r) pay all or part of the cost of location monitoring based upon your ability to pay as determined by the pretrial services or supervising officer.

(☐) (s) report as soon as possible, to the pretrial services or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

(☑) (t) ______________________________

Agreed conditions of release; $2,000,000 Personal recognizance bond; Secured by Commercial property at 500 Route 340, Sparkill, NY 10876; Travel restricted to SDNY/EDNY/DNJ/SDFL; Surrender travel documents and no new applications; Pretrial supervision as directed by Pretrial Services; Deft not to possess firearm, destructive device, other weapon; No contact with co-defendants and witnesses he does business with regarding the case except in the presence of counsel; No contact with other co-defendants or witnesses outside presence of counsel; If and when the bond in USA v. Daibes, 18cr655(SDW)(DNJ) may be exonerated, then the monetary conditions of that bond will continue to apply to this matter, i.e., the SDNY bond will be modified to carry over the $10M PRB and accompanying security form the DNJ bond; Verify to PTS that firearms and purchase IDs have already been given to son; Deft to be released on own signature; Plus surrender of personal passport; Remaining conditions to be met by 10/11/23.

Defense Counsel Name: Roberto Finzi

Defense Counsel Telephone Number: 212-373-3311

Defense Counsel Email Address: rfinzi@paulweiss.com

AO 199C (Rev. 09/08) Advice of Penalties

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT: Fred Daibes Case No. 23 CR 490

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a $250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

(1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than $250,000 or imprisoned for not more than 10 years, or both;

(2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than $250,000 or imprisoned for not more than five years, or both;

(3) any other felony – you will be fined not more than $250,000 or imprisoned not more than two years, or both;

(4) a misdemeanor – you will be fined not more than $100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

Date: 09/27/2023

Defendant's Signature Fred Daibes

☑ **DEFENDANT RELEASED**

City and State

Directions to the United States Marshal

( ) The defendant is ORDERED released after processing.

( ) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: ____________________

Judicial Officer's Signature

AUSA's Signature Eli Mark

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL

Sullivan
Dutchess
Orange
Putnam
Rockland
Westchester
Bronx
Manhattan
Queens
Nassau
Suffolk
Staten Island
Brooklyn

Southern District of New York

The Bronx
Manhattan
Westchester
Rockland
Dutchess
Orange
Putnam
Sullivan

Eastern District of New York

Brooklyn (Kings County)
Queens (Queens County)
Staten Island (Richmond County)
Long Island (Nassau & Suffolk)

End Time:

Proceeding via: ☐ CourtFlow ☐ AT&T

DOCKET No. 23 Cr. 490

DEFENDANT Daibes, Fred

AUSA Eli Mark

DEF.'S COUNSEL Roberto Finzi
☑ RETAINED ☐ FEDERAL DEFENDERS ☐ CJA ☐ PRESENTMENT ONLY

☐ ________ INTERPRETER NEEDED

☐ DEFENDANT WAIVES PRETRIAL REPORT

☐ Rule 5 ☑ Rule 9 ☐ Rule 5(c)(3) ☐ Detention Hrg.

☐ Other: ________

DATE OF ARREST 9/27/23
TIME OF ARREST ________
TIME OF PRESENTMENT 11:26 am

☑ VOL. SURR.
☐ ON WRIT

BAIL DISPOSITION

☐ DETENTION ON CONSENT W/O PREJUDICE
☐ DETENTION HEARING SCHEDULED FOR: ________
☐ DETENTION: RISK OF FLIGHT/DANGER
☐ SEE SEP. ORDER
☐ SEE TRANSCRIPT
☑ AGREED CONDITIONS OF RELEASE
☐ DEF. RELEASED ON OWN RECOGNIZANCE
☑ $2,000,000 PRB ☐ ________ FRP
☑ SECURED BY $________ CASH/PROPERTY: Commercial property at 500 Route 340, Sparkill, NY 10876
☑ TRAVEL RESTRICTED TO SDNY/EDNY/DNJ/SDFL
☐ TEMPORARY ADDITIONAL TRAVEL UPON CONSENT OF AUSA & APPROVAL OF PRETRIAL SERVICES
☑ SURRENDER TRAVEL DOCUMENTS (& NO NEW APPLICATIONS)

☑ PRETRIAL SUPERVISION: ☐ REGULAR ☐ STRICT ☑ AS DIRECTED BY PRETRIAL SERVICES
☐ DRUG TESTING/TREATMT AS DIRECTED BY PTS ☐ MENTAL HEALTH EVAL/TREATMT AS DIRECTED BY PTS
☐ DEF. TO SUBMIT TO URINALYSIS; IF POSITIVE, ADD CONDITION OF DRUG TESTING/TREATMENT

☐ HOME INCARCERATION ☐ HOME DETENTION ☐ CURFEW ☐ ELECTRONIC MONITORING ☐ GPS
☐ DEF. TO PAY ALL OF PART OF COST OF LOCATION MONITORING, AS DETERMINED BY PRETRIAL SERVICES

☐ DEF. TO CONTINUE OR SEEK EMPLOYMENT [OR] ☐ DEF. TO CONTINUE OR START EDUCATION PROGRAM
☑ DEF. NOT TO POSSESS FIREARM/DESTRUCTIVE DEVICE/OTHER WEAPON

☐ DEF. TO BE DETAINED UNTIL ALL CONDITIONS ARE MET
☑ DEF. TO BE RELEASED ON OWN SIGNATURE, PLUS THE FOLLOWING CONDITIONS: Surrender of Personal Passport ; REMAINING CONDITIONS TO BE MET BY: 10/11/23

ADDITIONAL CONDITIONS/ADDITIONAL PROCEEDINGS/COMMENTS:

No contact with co-defendants and witnesses he does business with regarding the case except in the presence of counsel.
No contact with other co-defendants or witnesses outside presence of counsel.
If and when the bond in USA v. Fred Daibes, 18 Cr. 655 (SDW) (D.N.J.) may be exonerated, then the monetary conditions of that bond will continue to apply to this matter, i.e., the S.D.N.Y. bond will be modified to carry over the $10M PRB and accompanying security from the DNJ bond.

Verify to PTS that firearms and purchase IDs have already been given to son. /OTW

☑ DEF. ARRAIGNED; PLEADS NOT GUILTY
☐ DEF. WAIVES INDICTMENT
☑ CONFERENCE BEFORE D.J. ON 10/2/23 2:30pm
☑ SPEEDY TRIAL TIME EXCLUDED UNDER 18 U.S.C. § 3161(h)(7) UNTIL 10/2/23

For Rule 5(c)(3) Cases:
☐ IDENTITY HEARING WAIVED
☐ PRELIMINARY HEARING IN SDNY WAIVED
☐ DEFENDANT TO BE REMOVED
☐ CONTROL DATE FOR REMOVAL: ________

PRELIMINARY HEARING DATE: ________ ☐ ON DEFENDANT'S CONSENT

DATE: 9/27/23

UNITED STATES MAGISTRATE JUDGE, S.D.N.Y.